

EXHIBIT A

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**UNITED STATES DISTRICT COURT
DISTRICT OF ALASKA**

**DANIEL MACDONALD,
PLAINTIFF,
V.
THE UNIVERSITY OF ALASKA,
SARA CHILDRESS IN HER
INDIVIDUAL AND SUPERVISORY
CAPACITY, CHASE PARKEY IN
HIS INDIVIDUAL AND
SUPERVISORY CAPACITY, SEAN
MCCARTHY, JON TILLINGHAST,
AND JOHN DOES 1-25
DEFENDANTS.**

**Case: 1:20-cv-00001-SLG
Hon: Sharon L. Gleason**

**DECLARATION OF DANIEL MACDONALD IN SUPPORT OF PLAINTIFF'S
RENEWED EMERGENCY MOTION FOR A TEMPORARY RESTRAINING
ORDER AND PRELIMINARY INJUNCTION**

Declaration of Daniel MacDonald in Support of Plaintiff's Renewed Motion for Preliminary Injunction
MacDonald v. University of Alaska, et al, 1:20-00001-SLG

I, Daniel MacDonald, declare under penalty of perjury:

1. My name is Daniel MacDonald and I am currently a student at the University of Alaska (“UA”), Juneau campus where I am a senior.

2. I am the Plaintiff in the present case, a citizen of the United States of America and a resident and domiciliary of the State of Washington.

3. I have personal knowledge of myself, my activities, and my intentions as alleged in the complaint in this matter, ECF # 1 and if called to testify I would competently testify as to the matters stated in the complaint and this declaration.

4. I verify under penalty of perjury under the laws of the United States of America that the factual statements in the complaint, ECF #1, concerning myself, my activities, and my intentions are true and correct.

5. Attached to the Renewed Motion for Preliminary Injunction in this matter as Exhibit “B” is a true and correct copy of the sexual harassment policy of the Regents of the University of Alaska, Part I, Chapter 01.04 downloaded from the University of Alaska Website.

6. Attached to the Renewed Motion for Preliminary Injunction in this matter as Exhibit “C” is a true and correct copy of a letter dated from the University of Alaska to myself dated November 8, 2019.

7. Attached to the Renewed Motion for Preliminary Injunction in this matter as Exhibit “D” is a true and correct copy of a letter from myself to Chase Parkey of the University of Alaska dated January 27, 2020.

8. Attached to the Renewed Motion for Preliminary Injunction in this matter as Exhibit “E” is a true and correct copy of an email from Sara Childress to Daniel MacDonald dated March 2, 2020.

9. Attached to the Renewed Motion for Preliminary Injunction in this matter as Exhibit “F” is a true and correct copy of an email from Daniel MacDonald to Sara Childress dated March 3, 2020.

10. Attached to the Renewed Motion for Preliminary Injunction in this matter as Exhibit “G” is a true and correct copy of an email from Sara Childress to Daniel MacDonald dated April 14, 2020.

11. On November 8, 2019, I received a letter from UA informing me that I was being charged with violations of UA’s sexual misconduct policy. Exhibit “C”.

12. I vehemently deny the allegations outlined in the letter.

13. I downloaded a copy of the sexual harassment policy as referenced in the letter. Exhibit “B”.

14. The matter was investigated by Chase Parkey of UA.

15. On or before December 28, 2019, I did not receive the results of the investigation, nor was I informed that the investigation would be extended.

16. After interviews were conducted, including my own, I was able to review the transcripts of the interviews.

17. Based on my review of the interviews, I became concerned that Mr. Parkey had conducted the interviews in a manner that was both unprofessional and tainted the witnesses.

18. On January 27, 2020, I sent a letter to Mr. Parkey and the UA administrators outlining my concerns with the investigation. Exhibit “D”. Shortly thereafter, Ms. Childress contacted me and asked: “are you trying to get Mr. Parkey fired?” To which I asked if she had read the letter, she responded: “I skimmed it.” She also told me that the University did not have the resources to investigate all the Title IXs issues I had raised in the letter. I asked her to read the full letter and ended the conversation,

19. I did not receive any further communications from UA until March 2, 2020, when I was informed that Mr. Parkey had been removed as the investigator and that a new investigator would be appointed. Exhibit “E”

20. On March 3, 2020, I emailed UA and informed them that the investigation had not been conducted under the timelines dictated by the policies, that the investigation had tainted the witnesses, that good cause for an extension did not exist because the investigator had conducted a flawed investigation, and that I would not be able to receive fair adjudication of the matter. Exhibit “F”.

21. I subsequently learned that Jon Tillinghast, Esq. would now be conducting the investigation.

22. In early April, I was informed by Mr. Tillinghast that he wished to re-interview me concerning the allegations.

23. On April 14, 2020, I received an email from Sara Childress informing me that if I did not agree to be re-interviewed by Mr. Tillinghast by close of business on Friday, April 17, the investigation would proceed without my input. Exhibit “G”.

24. UA is proceeding with the interview despite my concerns about the timeline and the tainting of the witnesses. I believe that I will be denied a fair and impartial adjudication of the matter.

25. During the time that this matter has been pending, I have been under severe emotional distress. Every day that I am under threat of severe sanctions, I find that it is disrupting everything in my life.

26. I have been severely depressed and have attempted suicide on multiple occasions.

27. My physical health has also suffered. I have lost 22 pounds which is unhealthy for me as my height was six feet and my weight was 175 pounds. I now weigh 153 pounds. I have also been losing hair.

28. I intend to pursue a career in archaeology. Such a career requires an advanced graduate degree. The pending allegations have disrupted my ability to gain admittance to a graduate program. During the pendency of the investigation, I am unable to obtain the necessary letters of recommendation.

29. I have lost many friends because the complainants in this matter have spread the word throughout UA that I am a sexual predator. This disclosure occurred, at least in part, due to the unprofessional conduct of Chase Parkey.

30. If the investigation is allowed to continue, I will suffer in ways that I will never be able to recover. If the investigation clears my name, I will still have lost time in pursuing my career in addition to continued emotional distress.

31. If the investigation finds me responsible, I will have been damaged because of the initial investigation being conducted in an unprofessional manner which tainted the witnesses.

32. Even if the investigation eventually clears me of wrongdoing, I will never be able to recover the time that I have lost. So long as the investigation continues, my health will likely continue to deteriorate.

In accordance with 28 U.S.C. § 1746, I declare under penalty of perjury that the foregoing is true and correct.

Executed on April 19, 2020



Daniel MacDonald (April 9, 2020)

Daniel MacDonald